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09/636,826AMENDMENTS TO THE CLAIMS**BEST AVAILABLE COPY**

1. to 54. (canceled)

55. (currently amended) A DNA construct comprising the promoter of the *B. vulgaris* V-ATPase subunit c in isoform 2 (~~SEQ ID NO:1~~) SEQ ID NO:1, operatively linked with a heterologous gene.

56. to 58. (canceled)

59. (previously presented) The DNA construct as claimed in claim 55, which additionally comprises a second promoter which can be regulated in a different manner than the first promoter.

60. (previously presented) The DNA construct as claimed in claim 55, which is an expression cassette.

61. (canceled)

62. (previously presented) A polynucleotide comprising the sequence of the promoter of *B. vulgaris* V-ATPase subunit c isoform 2 set forth in SEQ ID NO: 1.

63. (previously presented) A recombinant vector which additionally comprises the construct as claimed in claim 55.

64. (previously presented) The recombinant vector as claimed in claim 63, which is a shuttle vector.

65. (previously presented) The recombinant vector as claimed in claim 63, which is an expression vector.

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66. (previously presented) A microorganism which is transformed with the recombinant vector as claimed in claim 63.

67. (previously presented) A transgenic plant cell or transgenic protoplast whose genome encompasses the DNA construct as claimed in claim 55.

68. (previously presented) The transgenic plant cell or transgenic protoplast as claimed in claim 67 obtained from a monocotyledonous plant.

69. (previously presented) The transgenic plant cell or transgenic protoplast as claimed in claim 67 obtained from a dicotyledonous plant.

70. (currently amended) A The transgenic plant whose genome additionally comprises the construct as claimed in claim 55.

71. (previously presented) The transgenic plant as claimed in claim 70, which is a monocotyledonous plant.

72. (previously presented) The transgenic plant as claimed in claim 70, which is a dicotyledonous plant.

73. (previously presented) The transgenic plant as claimed in claim 70, which is sugar beet, tobacco, barley, rice, potato, sunflower, soya, tomato, Canola, wheat, oilseed rape, sorghum, carrot, maize, *Mesemranthemum crystallinum* or *Arabidopsis thalinana*.

74. to 89. (canceled)

90. (previously presented) A method of producing a recombinant protein in a plant cell or a protoplast comprising the steps of transforming said plant cell or protoplast with the DNA construct as claimed in claim 55 and of expressing said DNA construct in those plant cells or protoplasts, wherein the recombinant protein is produced by means of said DNA construct.

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91. (previously presented) A method of producing a recombinant protein in a plant comprising the step of transforming said plant with the DNA construct as claimed in claim 55, and of expressing said DNA construct in the plant, wherein the recombinant protein is produced by means of said DNA construct.

92. to 94. (canceled)

95. (currently amended) The method as claimed in claim 93 90, wherein at least one further pyrimidine stretch is inserted into the promoter.

96. to 100. (canceled)

101. (withdrawn) A method for the expression of a heterologous gene, in a plant cell or a protoplast, which comprises transforming the cell or the protoplast with the DNA construct as claimed in claim 55 and subsequently exposing the transformed cell or the protoplast to a condition of salt-induced stress or of vulneration-induced stress.

102. (withdrawn) The method as claimed in claim 101, wherein the plant cell or the protoplast is obtained from a monocotyledonous plant.

103. (withdrawn) The method as claimed in claim 101, wherein the plant cell or the protoplast is obtained from a dicotyledonous plant.

104. (withdrawn) The method as claimed in claim 101, wherein the plant cell or the protoplast is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, Canola, wheat, oilseed rape, sorghum, carrots, maize, Mesembranthemum crystallinum or Arabidopsis thaliana.

105. (withdrawn) A method for the expression of a heterologous gene in a plant, which comprises regenerating cells or protoplasts transformed with the DNA construct as claimed in

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claim 55 to produce a transgenic plant and subsequently exposing the plant transformed in this way to a condition of salt-induced stress or of vulneration-induced stress.

106. (withdrawn) The method as claimed in claim 105, wherein the transgenic plant is a monocotyledonous plant.

107. (withdrawn) The method as claimed in claim 105, wherein the transgenic plant is a dicotyledonous plant.

108. (withdrawn) The method as claimed in claim 105, wherein the transgenic plant is sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, Canola, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thaliana*.

109. (withdrawn) A method for producing a recombinant protein, which comprises transforming a plant cell or a protoplast with the DNA construct as claimed in claim 55 and subsequently exposing the transformed cell or the protoplast to a condition of salt-induced stress or of vulneration-induced stress.

110. (withdrawn) The method as claimed in claim 109, wherein the plant cell or the protoplast is obtained from a monocotyledonous plant.

111. (withdrawn) The method as claimed in claim 109, wherein the plant cell or the protoplast is obtained from dicotyledonous plant.

112. (withdrawn) The method as claimed in claim 109, wherein the plant cell or the protoplast is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, Canola, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thaliana*.

113. (withdrawn) A method of producing a recombinant protein in a plant, which comprises regenerating cells or protoplasts transformed with a DNA construct as claimed in claim 55 to

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produce a transgenic plant and subsequently exposing the resulting transgenic plant to a condition of salt-induced stress or of vulneration-induced stress.

114. (withdrawn) The method as claimed in claim 113, wherein the transgenic plant is a monocotyledonous plant.

115. (withdrawn) The method as claimed in claim 113, wherein the transgenic plant is a dicotyledonous plant.

116. (withdrawn) The method as claimed in claim 113, wherein the transgenic plant is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, Canola, wheat, oilseed rape, sorghum, carrots, maize, *Mesembrianthemum crystallinum* or *Arabidopsis thaliana*.

117. (withdrawn) A plant cell or protoplast, which plant cell or protoplast is transformed with the DNA construct as claimed in claim 55, wherein the promoter of the DNA-construct is not repressed under a condition of salt-stress or of vulneration, or wherein said promoter shows a greater activity under a condition of salt-stress or of vulneration than under normal conditions.

118. (withdrawn) A plant cell or protoplast, which plant cell or protoplast is transformed with the DNA construct as claimed in claim 55, wherein the promoter of the DNA-construct is not repressed under a condition of salt-stress or of vulneration, or wherein said promoter shows a greater activity under a condition of salt-stress or of vulneration than under a condition which lacks salt-stress or vulneration.

119. (withdrawn) A plant which is transformed with the DNA construct as claimed in claim 55, wherein the promoter of the DNA-construct is not repressed under a condition of salt-stress or of vulneration, or wherein said promoter shows a greater activity under a condition of salt-stress or of vulneration than under normal conditions.

120. (withdrawn) A plant which is transformed with the DNA construct as claimed in claim 55, wherein the promoter of the DNA-construct is not repressed under a condition of salt-stress or of

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vulneration, or wherein said promoter shows a greater activity under a condition of salt-stress or of vulneration than under a condition which lacks salt-stress or vulneration..

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